

JUL 29 2004

Attorney's Docket No. 045600/274147

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Carozzi et al. Confirmation No.: 2147
Appl. No.: 10/781,979 Art Unit: 1645
Filed: February 19, 2004 Examiner: Not Assigned
For: AXMI-008, A DELTA ENDOTOXIN GENE AND METHODS FOR ITS USE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
CITATION UNDER 37 C.F.R. § 1.97

Sir:

Attached is a list of documents on form PTO-1449. In accordance with the Office waiver published July 11, 2003, copies of the cited U.S. patents and patent application publications are not enclosed. Applicant does enclose copies of any cited foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Respectfully submitted,

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Nora C. Martinez
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| Substitute for form 1449/PTO (Revised 04/2003) | | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | | | Application Number | 10/781,979 |
| | | | | Filing Date | February 19, 2004 |
| | | | | First Named Inventor | Carozzi et al. |
| | | | | Group Art Unit | 1645 |
| | | | | Examiner Name | Not Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 045600/274147 |

| U. S. PATENT DOCUMENTS | | | | | |
|------------------------|----------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. | Document Number Number - Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear |
| | | US- | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|----------|---|--------------------------------|--|---|
| Examiner Initials | Cite No. | Foreign Patent Document Country Code - Number Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| OTHER DOCUMENTS | | | | | |
|-------------------|----------|---|--|--|---------------------------------------|
| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) , volume-issue number(s), publisher, city and/or country where published. | | | English Language Translation Attached |
| | 1 | ROSSO, M-L., and DELÈCLUSE, A., "Contribution of the 65-Kilodalton Protein Encoded by the Cloned Gene <i>cry19A</i> to the Mosquitocidal Activity of <i>Bacillus thuringiensis</i> subsp. <i>jegathesan</i> ," <i>Appl. Environ. Microbiol.</i> , November 1997, pp. 4449-4455, Vol. 63, No. 11 | | | |
| | 2 | NCBI Database Report for Accession No. BAB72017, Direct Submission on November 14, 2001 | | | |
| | 3 | NCBI Database Report for Accession No. BAB72018, Direct Submission on November 14, 2001 | | | |
| | 4 | NCBI Database Report for Accession No. BAB72019, Direct Submission on November 14, 2001 | | | |
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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.